



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

SMC
Docket No: 05371-00
13 December 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: ET2 (SS) [REDACTED], USN, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 18Jul00 w/attachments
(2) PERS-311 memo dtd 3Nov00
(3) PERS-832C memo dtd 20Nov00
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the enlisted performance evaluation report for 16 June to 17 December 1999 (copy at Tab A to enclosure (1)).

2. The Board, consisting of Messrs. Harrison, Kastner and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 13 December 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosures (2) and (3), the Navy Personnel Command offices having cognizance over the subject matter addressed in Petitioner's application have commented to the effect that his request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following enlisted performance evaluation report and related material:

Date of Report	Reporting Senior	Period From	of Report To
13Jan00	 SN	16Jun99	17Dec99

b. That there be inserted in Petitioner's naval record a memorandum in place of the removed report, containing appropriate identifying data concerning the report; that such memorandum state that the report has been removed by order of the Secretary of the Navy in accordance with the provisions of federal law and may not be made available to selection boards and other reviewing authorities; and that such boards may not conjecture or draw any inference as to the nature of the report.

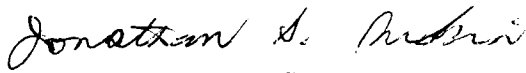
c. That appropriate corrections be made to the magnetic tape or microfilm maintained by the Navy Personnel Command.

d. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

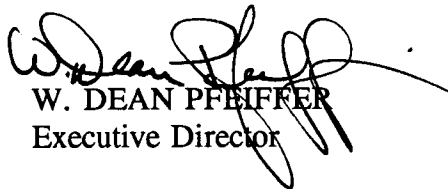
e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5371-00
1610
PERS-311
3 November 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: [REDACTED]

Ref: (a) COMSUBGRP TWO letter 5812 Ser 01L/018 of 7 February 2000
: (b) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his performance evaluation for the period 16 June 1999 to 17 December 1999.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the member was an E-4 at the time of the report. Since E-4 and below evaluations are not filed in the member's headquarters record, our comments are based on an uncertified copy of the report included with the member's petition.

b. The performance evaluation in question is a Detachment of Individual/Regular report.

c. Reference (a) set aside the member's NJP on 7 February 2000. Per reference (b), Annex S, paragraph S-12, the comments in the original report concerning the member's NJP are now considered inappropriate.

d. The member proves the report to be unjust or in error.

3. We recommend removal of the report as we cannot determine what performance trait mark the member deserves in Block-36 or the member's promotion recommendation.

[REDACTED]

Head, Performance
Evaluation Branch



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-832C
20 Nov 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: [REDACTED], USN, [REDACTED]

Encl: (1) BCNR File 05371-00
(2) Petitioner's Microfiche Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request for removal of derogatory material.

2. The review reveals that the NJP of 14 Dec 99 was set aside by COMSUBGRU TWO. All reference to that NJP must be removed from the record. There are currently no documents on file in the NAVPERSCOM record regarding that NJP. Therefore, favorable action on this petition is recommended.

[REDACTED]

Technical Advisor to the
Head, Enlisted Performance
Branch (PERS-832)